

United States Nuclear Regulatory Commission
Office of Public Affairs, Region I
475 Allendale Road King of Prussia, PA 19406
Fax: 610/337-5241
Internet: dps@nrc.gov or nas@nrc.gov

I-99-61

Contact: Diane Screnci (610/337-5330)
Neil A. Sheehan (610/337-5331)

July 14, 1999

FOR IMMEDIATE RELEASE

NRC PROPOSES \$2,750 FINE AGAINST PENNSYLVANIA FIRM FOR GAUGE-USE VIOLATIONS

The Nuclear Regulatory Commission staff has proposed a \$2,750 fine against a Pennsylvania construction company for several violations of agency requirements involving the improper use and handling of a nuclear gauge.

At issue was whether a construction manager for Allan A. Myers Inc. of Worcester (Montgomery County), Pa., deliberately allowed an employee to use a portable gauge containing radioactive material (6.6 millicuries of cesium-137) at a construction site before the worker met several requirements.

Specifically, the employee should have completed a required training program; been designated as an authorized gauge user by the company's Radiation Safety Officer (RSO); been in the presence of the RSO; and worn dosimetry (radiation monitors) while using the device. (Nuclear gauges are used for various industrial and construction purposes, such as measuring moisture levels in soil.)

NRC has cited the company for three violations, based on an inspection last October at a road construction site in King of Prussia, Pa., as well as on a subsequent investigation by the agency's Office of Investigations (OI). The violations are 1) use of a portable gauge by an unauthorized individual without being in the presence of an authorized user and without necessary training; 2) use of the device without appropriate dosimetry; and 3) leaving the gauge unattended at the job site. The proposed \$2,750 fine encompasses all of the violations.

In a June 17 letter, the company stated that the manager did not deliberately violate NRC requirements but instead experienced a lapse in judgment.

"Notwithstanding your contention," wrote Hubert J. Miller, NRC regional administrator, in a letter to the company, "the NRC maintains that the violations were deliberate in that the construction manager was aware of regulatory requirements, as he admitted in an interview with OI, but did not take action to assure that the regulatory requirements were met. Also, he had served as RSO at your facility for seven years."

The company has 30 days to contest all or part of the enforcement action.

#